

MEMORIAL RESOLUTIONS

S.R. 90 - By Montford: Memorial resolution for Andrew Jackson Kemp, Jr.

S.R. 91 - By Montford: Memorial resolution for Dr. Elton D. Cook.

S.R. 92 - By Montford: Memorial resolution for George R. Killam.

S.R. 93 - By Montford: Memorial resolution for Mrs. Juanelle Tubbs.

CONGRATULATORY RESOLUTIONS

S.R. 89 - By Montford: Honoring Earl Bradley.

S.R. 94 - By Parker: Commending Frank Collins.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:47 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, February 11, 1985.

EIGHTEENTH DAY

(Monday, February 11, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Sarpalius.

A quorum was announced present.

Senator Chet Brooks offered the invocation as follows:

Almighty God, we come to Thee today for another day of deliberation in the Senate. Please be with us and be in our hearts. Help us to be strong advocates for what we believe is right, but let us also remember the rights of others. Help us to do Thy will in all things. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 7, 1985, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Sarpalius was granted leave of absence for today on account of important business on motion of Senator Glasgow.

REPORT OF STANDING COMMITTEE

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 273
S.B. 304
S.B. 303
C.S.S.B. 34

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

- S.B. 390** by Sarpalius State Affairs
Relating to the provision of refueling services to disabled persons and to the price charged for motor vehicle fuel provided to those persons; providing a penalty.
- S.B. 392** by Leedom Jurisprudence
Relating to criminal complaints for certain traffic offenses.
- S.B. 393** by Lyon Intergovernmental Relations
Relating to the screening and the county regulation of junkyards and automotive wrecking and salvage yards; providing penalties.
- S.B. 394** by Williams Health and Human Resources
Relating to minimum standards of sanitation and safety for public swimming pools, including spas.
- S.B. 395** by Blake State Affairs
Relating to certain requirements for eligibility for benefits and payments by reimbursing employers under the unemployment compensation laws.
- S.B. 396** by Brooks Health and Human Resources
Relating to the registration, licensing, and regulation of a child-care facility, child-placing agency, or registered family home.
- S.B. 397** by Williams State Affairs
Relating to the appointment of a deputy assistant adjutant general.
- S.B. 398** by Williams State Affairs
Relating to changing the name of the Veterans Affairs Commission to the Texas Veterans Commission.
- S.B. 399** by Sarpalius Health and Human Resources
Relating to the authority of certain hospice nurses to determine that a patient is dead and to the report of that death.
- S.B. 400** by Sarpalius Natural Resources
Relating to the regulation of certain suppliers of gas for agricultural purposes.
- S.B. 401** by Glasgow Health and Human Resources
Relating to prophylaxis for newborns; amending the Texas Venereal Disease Act.
- S.B. 402** by Barrientos Intergovernmental Relations
Relating to the authority of counties to issue certificates of obligation.
- S.B. 403** by Barrientos Health and Human Resources
Relating to charges for certain services of the Texas Department of Mental Health and Mental Retardation.

S.B. 404 by Uribe Education
Relating to Pan American University at Brownsville.

S.B. 405 by Edwards Jurisprudence
Relating to the eligibility requirements for public defenders.

S.B. 406 by Krier Jurisprudence
Relating to the punishment for the offense of assault if the victim of the assault is an employee of the Texas Department of Human Resources assaulted while performing certain duties.

S.B. 407 by Sharp Education
Relating to certain requirements for and restrictions on English language courses and teachers who teach English language courses.

S.B. 408 by Brown Criminal Justice
Relating to the availability of a defense of necessity in a prosecution for escape from custody.

S.B. 409 by Brown Criminal Justice
Relating to the repeal of provisions designed to reduce the prison population of the Texas Department of Corrections by awarding administrative good conduct time to inmates.

S.B. 410 by Leedom Health and Human Resources
Relating to the licensing of hospitals and to construction plan approval; providing authority to the Texas Board of Health to charge fees for hospital construction plan reviews and surveys; amending Section 5 and adding Section 7A, Texas Hospital Licensing Law (Article 4437f, Vernon's Texas Civil Statutes).

S.B. 411 by Jones Finance
Relating to certain taxes collected under the workers' compensation laws.

S.B. 412 by Jones Economic Development
Relating to a solicitor acting as an insurance company agent.

S.J.R. 16 by Brown Criminal Justice
Proposing a constitutional amendment relating to the manner in which a person is charged with a criminal offense, to the jurisdiction of the courts in criminal cases, and to certain requirements applicable to state writs and processes.

S.C.R. 46 by Brooks Health and Human Resources
Encouraging community cancer care facilities to assess current services and projected needs.

CO-AUTHORS REMOVED FROM SENATE BILL 136

On motion of Senators Caperton and Sharp and by unanimous consent, their names are removed as Co-authors of **S.B. 136**.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

H.C.R. 30

H.C.R. 39

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
February 8, 1985

**TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE,
REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE TEXAS WATER DEVELOPMENT BOARD:

For a term to expire December 31, 1989:

GLEN E. RONEY

3316 Kent Lane

McAllen, Texas 78501

(Mr. Roney is being reappointed.)

For a term to expire December 31, 1989:

STUART SINCLAIR COLEMAN

106 Parkview Terrace

Brownwood, Texas 76801

(Mr. Coleman is replacing Mr. W. O. Bankston of Dallas, Dallas County, Texas, whose term expired.)

**TO BE COMMISSIONER OF THE DEPARTMENT OF LABOR AND
STANDARDS:**

For a two year term to expire February 1, 1987:

ALLEN ROSS PARKER, SR.

974 Marjorie Road

Houston, Texas 77088

(Commissioner Parker is being reappointed.)

**TO BE MEMBERS OF THE BOARD OF REGENTS OF TEXAS A&M
UNIVERSITY SYSTEM:**

For a term to expire February 1, 1991:

JOHN MOBLEY

7206 West Rim

Austin, Texas

(Mr. Mobley is replacing Mr. Norman Moser of De Kalb, Bowie County, Texas, whose term expired.)

For a term to expire February 1, 1991:

ROYCE E. WISENBAKER

519 West Third Street

Tyler, Texas 75701

(Mr. Wisenbaker is being reappointed.)

For a term to expire February 1, 1991:

L. LOWRY MAYS

400 Geneseo Road

San Antonio, Texas 78209

(Mr. Mays is replacing Mr. Clyde Wells of Granbury, Hood County, Texas, whose term expired.)

Respectfully submitted,

/s/Mark White
Governor of Texas

**MOTION TO PLACE
SENATE JOINT RESOLUTION 9 ON SECOND READING**

Senator Williams moved that Senate Rules 12 and 89 and all other necessary rules be suspended and that **S.J.R. 9** be taken up for consideration at this time on its second reading and passage to engrossment:

S.J.R. 9, Proposing a constitutional amendment to provide additional bonding authority for the veterans' housing assistance program and changing the definition of those veterans eligible to participate in the veterans' land program and the veterans' housing program by authorizing the legislature by law to define an eligible veteran for the purposes of those programs.

On motion of Senator Williams and by unanimous consent, the motion to suspend the regular order was withdrawn.

GUESTS PRESENTED

The President introduced Speaker Gib Lewis and U.S. House of Representatives Majority Leader Jim Wright.

The Senate welcomed them as guests today.

SENATE BILL 166 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 166, Relating to certain exceptions from the temporary license requirements for local recording agents.

The bill was read second time and was passed to engrossment.

SENATE BILL 166 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 166** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sarpalius.

The bill was read third time and was passed.

SENATE BILL 233 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 233, Relating to the processing of claims and accounts and the issuance of warrants.

The bill was read second time.

Senator Leedom offered the following committee amendment to the bill:
Committee Amendment No. 1

Amend **S.B. 233** by striking SECTION 3 in its entirety and inserting in lieu thereof the following:

"SECTION 3. Section 3, Chapter 324, Acts of the 56th Legislature, 1959, as amended (Article 4344b, Vernon's Texas Civil Statutes), is amended to read as follows:

(3) Notwithstanding the provisions of any other statute, the Comptroller of Public Accounts may establish and operate an electronic funds transfer system to transfer directly into their accounts in financial institutions only: (i) employees' gross state salaries less deduction specifically authorized by state or federal law or reimbursement for travel and subsistence of employees [and] (ii) payments to annuitants by the Employees Retirement System of Texas or the Teacher Retirement system of Texas under either system's administrative jurisdiction, (iii) recurring payments to governmental entities; and (iv) payments to vendors designated by the Comptroller. An authorized payee must request in writing to participate in any electronic funds transfer system established and operated by the comptroller of Public Accounts. A single transfer may contain payments to multiple payees without the necessity of issuing individual warrants for each payee. The Comptroller shall establish procedures for administering the system and may use the services of financial institutions, automated clearinghouses, and the federal government. The use of electronic funds transfer or any other payment means does not create any rights that would have been created had an individual state warrant been used as the payment medium. The State Treasurer may not make payment of a state employee's salary before the last working day of the payroll period."

The committee amendment was read and was adopted.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 233 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 233** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sarpalius.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 309 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 309, Relating to the jurisdiction of the county courts at law in Dallas County.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 309 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 309** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Jones, Washington.

Absent-excused: Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 1.

Nays: Jones.

Absent-excused: Sarpalius.

SENATE BILL 172 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 172, Relating to the membership of the Southern Regional Education Compact.

The bill was read second time and was passed to engrossment.

SENATE BILL 172 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 172** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sarpalius.

COMMITTEE SUBSTITUTE SENATE BILL 148 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 148, Relating to a defendant's election of the judge or the jury to assess punishment in a criminal case.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 148 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 148** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Sarpalius.

The bill was read third time and was passed.

SENATE BILL 215 ON SECOND READING

Senator Montford asked unanimous consent to suspend the regular order of business, Senate Rule 89 and all other necessary rules to take for consideration at this time:

S.B. 215, Relating to the creation of the Texas Tech University System.

There was objection.

Senator Montford then moved to suspend the regular order of business, Senate Rule 89 and all other necessary rules and take up **S.B. 215** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Barrientos, Brown, Caperton, Edwards, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Nays: Blake, Farabee, Mauzy.

Absent: Brooks.

Absent-excused: Sarpalius.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Amend **S.B. 215** by striking SECTION 2 in its entirety and substituting in lieu thereof the following:

SECTION 2. This Act takes effect September 1, 1985.

The amendment was read and was adopted.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 215 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 215** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Barrientos, Brown, Caperton, Edwards, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Blake, Farabee, Mauzy, Washington.

Absent: Brooks.

Absent-excused: Sarpalius.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the final passage of the bill.

ESCORT COMMITTEE APPOINTED

In accordance with the provisions of H.C.R. 30, the President announced the appointment of the following as a Committee to Escort Congressman James C. Wright to the Joint Session: Senators Barrientos, Brooks, Edwards, Mauzy, Parmer and Williams.

MOTION TO ADJOURN

On motion of Senator Brooks and by unanimous consent, the Senate agreed to adjourn, upon the completion of the Joint Session today, until 11:00 o'clock a.m. tomorrow.

RECESS

On motion of Senator Brooks, the Senate at 11:38 o'clock a.m. took recess until 2:00 o'clock p.m. today.

JOINT SESSION

(To hear address by the Honorable James C. Wright, Majority Leader, United States House of Representatives)

The President of the Senate and the Senators present, accompanied by the Secretary of the Senate and the Sergeant-at-Arms, proceeded to the Hall of the House of Representatives at 2:00 o'clock p.m., pursuant to the provisions of H.C.R. 30.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The Honorable James C. Wright, Majority Leader of the United States House of Representatives and Congressman of the 12th District of Texas, and his party were escorted to the Speaker's Rostrum by Senators Barrientos, Brooks, Edwards, Mauzy, Parmer and Williams on the part of the Senate and Representatives Willis, C. Evans, C. Harris, Leonard, McKenna, Millsap, G. Thompson, Carter, B. Gibson and Williamson on the part of the House.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Gib Lewis, Speaker of the House of Representatives, called the House to order, announced a quorum of the House present and stated the purpose of the Joint Session.

The Speaker introduced Representative Willis who introduced the Honorable Jim Wright.

Congressman Wright addressed the Joint Session.

MEMORIAL RESOLUTIONS

S.R. 98 - By Montford: Memorial resolution for Adrian Taylor.

S.R. 100 - By Harris: Memorial resolution for Sheriff Joe Steenberg.

S.R. 107 - By Glasgow: Memorial resolution for H. R. "George" Harwood.

S.R. 108 - By Glasgow: Memorial resolution for Jasper Dee "Jake" Jernigan.

S.R. 109 - By Glasgow: Memorial resolution for John M. Hobough.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.C.R. 44 - By Brooks: Commending the American Cancer Society, Texas Division.

S.C.R. 45 - By Brooks: Commending public and private health care facilities for cancer care services.

S.R. 95 - By Kothmann: Commending the Church of Castle Hills of San Antonio.

S.R. 96 - By Leedom: Commending Nate Leedom Ackerman.

S.R. 97 - By Leedom: Commending Elliot Leedom Ackerman.

S.R. 99 - By Montford: Commending the community of Crosbyton.

S.R. 101 - By Glasgow: Extending congratulations to Dean Cecil Ballow.

S.R. 102 - By Glasgow: Extending congratulations to Robert Barnett.

S.R. 103 - By Glasgow: Extending congratulations to Clyde Noonkester.

S.R. 104 - By Glasgow: Extending congratulations to Dianna May French.

S.R. 105 - By Glasgow: Extending congratulations to Bobby Cavazos.

S.R. 106 - By Glasgow: Commending Sergeant Ed Bodiford.

ADJOURNMENT

The President announced the purpose of the Joint Session had been accomplished and declared the Senate at 2:59 o'clock p.m. would stand adjourned until 11:00 o'clock a.m. tomorrow, in accordance with a motion previously adopted by the Senate.

APPENDIX

Signed by Governor
(February 7, 1985)

S.C.R. 13
S.C.R. 15
S.C.R. 23
S.C.R. 26
S.C.R. 29
H.C.R. 19
H.C.R. 21
H.C.R. 27

Sent to Governor
(February 11, 1985)

S.C.R. 27

NINETEENTH DAY

(Tuesday, February 12, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

A quorum was announced present.

Senator Roy Blake offered the invocation as follows:

Our Heavenly Father, we pause first of all to give thanks to Thee for all the blessings of the past. We would ask that You give us guidance as we deliberate on the issues that affect each of us and the lives of everyone in Texas.

We would ask that You would be with our families back home, guide them, guide us and protect us, and forgive us of our sins, for we ask these things in Thy Name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
February 12, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 10, Honoring Kenyon Clapp.